IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.19257 of 2008
BHUTTI SAH @ SIKANDER SAH
Versus
STATE OF BIHAR
---

6. 3.9.2008. Learned counsel for the petitioner is permitted to make correction in the prayer portion of the bail application.

Heard the learned counsel for the petitioner, State and the complainant.

The petitioner is an accused in a case under Sections 376,341,323,504 and 34 of the Indian Penal Code. The petitioner's bail application was earlier rejected on 13.11.2007.

Learned counsel for the petitioner submits that the alleged occurrence has taken place on 11.7.2007 and the complaint has been instituted five days thereafter. It is further submitted that several witnesses in the case diary have stated that the victim lady and the petitioner were having an affair and it is due to enmity with the husband of the victim lady that this case has been lodged.

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Learned counsel appearing on behalf of the complainant on the other hand submitted that the witnesses have stated that after hearing about the occurrence they went to the place of occurrence and the complainant is said to have narrated the story.

On the other hand, learned counsel for the petitioner submits that the entire case has been lodged out of enmity and the petitioner has remained in custody for about a year.

Considering the period of custody, the petitioner Bhutti Sah @ Sikander Sah is directed to be released on bail on furnishing bail

bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the F.T.C. II (Bettiah),West Champaran giving rise to Sessions Trial No. 272 of 2008 in connection with Sathi P. S. Case No. 75 of 2007.

U.K. **(Sheema Ali Khan,J)**

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